

UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL ADJUSTMENT AGENCY

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A
INSTRUCTIONS FOR HOLDING REFERENDUM ON
BURLEY TOBACCO MARKETING QUOTAS

Pursuant to the provisions of Public Law 118, 78th Congress, 1st Session, approved July 7, 1943, which requires proclamation of a national marketing quota for Burley tobacco for the marketing year beginning October 1, 1944, a referendum of farmers engaged in the production of the 1943 crop of Burley tobacco will be held pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, on a date to be announced by the War Food Administrator to determine whether such farmers are in favor of or opposed to such quota and to determine whether such farmers are in favor of or opposed to Burley tobacco marketing quotas for the three-year period beginning October 1, 1944.

The following forms will be used:

- MQ-650—Regulations Governing the Holding of Referenda on Marketing Quotas.
- MQ-651—Register of Eligible Voters and Ballots Cast.
- Tobacco 807—Instructions for Holding Referendum on Burley Tobacco Marketing Quotas.
- Tobacco 808—Notice—Burley Tobacco Marketing Quota Referendum.
- Tobacco 809—Burley Tobacco Marketing Quota Referendum Ballot.
- Tobacco 810—Community Summary of Burley Tobacco Marketing Quota Ballots.
- Tobacco 811—County Summary of Burley Tobacco Marketing Quota Ballots.
- Tobacco 812—State Tabulation of Burley Tobacco Marketing Quota Ballots.

A. VOTING ELIGIBILITY

All farmers engaged in the production of Burley tobacco in 1943 are eligible to vote in the Burley tobacco marketing quota referendum. Any person who has an independent share in the 1943 Burley tobacco crop as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or sharecropper is considered as engaged in the production of Burley tobacco in 1943. If several members of the same family participate in the production of Burley tobacco on a farm in 1943, the only member or members of such family who shall be eligible to vote shall be the member or members of the family who have an independent bona fide status as operator, share-tenant, or sharecropper and is entitled as such to share in the proceeds of the 1943 crop.

For any farm on which records have been obtained in connection with the 1943 agricultural conservation program showing correctly those persons entitled to receive a share of the proceeds of the Burley tobacco crop grown on the farm in 1943, only those persons so shown

as entitled to receive such share shall be eligible to vote in the referendum.

No person shall be eligible to vote in any community other than the community in which he resides, except as follows: (a) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he was engaged in the production of Burley tobacco in 1943. (b) Any person who does not reside in the county in which he was engaged in the production of Burley tobacco in 1943 may obtain a ballot at the most conveniently located polling place and may cast his ballot by signing his name thereto and mailing it to the county office of the county in which he was engaged in the production of Burley tobacco in 1943 not later than the date of the referendum (the postmark on the envelope in which the ballot was mailed shall be conclusive evidence of the date of mailing).

There shall be no voting by mail (except as provided above) by proxy, or by agent, but a duly authorized officer of a corporation, firm, association, or other legal entity, or a duly authorized member of a partnership, may cast its vote.

Farmers who planted Burley tobacco in the field in 1943, but did not harvest any tobacco on such acreage for any reason except neglect to farm the planted acreage shall be regarded as engaged in the production of Burley tobacco in 1943 and therefore eligible to vote in the referendum. Any farmer who did not plant Burley tobacco in the field shall not be eligible to vote.

No farmer (whether an individual, partnership, corporation, association or other legal entity) shall be entitled to more than one vote in the referendum, even though he may have been engaged in the production of Burley tobacco on several farms in the same community or in two or more communities, counties or States in 1943.

In the event two or more persons were engaged in producing Burley tobacco in 1943 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

The following statements will serve as examples to illustrate the eligibility of persons to vote in particular instances:

(a) In the case of a husband and wife engaged in the production of Burley tobacco as joint owners of a farm each is eligible to vote; and similarly in the case of a husband and wife or a father and his son engaged in the production of Burley tobacco in 1943 as joint tenants the husband and wife or the father and son, as the case may be, are both eligible to vote.

(b) A person who is considered as a wage hand on a farm, but who receives part or all of the proceeds from a fixed acreage of Burley tobacco and thus shares in the proceeds of the 1943 crop of Burley tobacco produced on the farm will be considered as a sharecropper and shall be eligible to vote.

(c) If any person gives a member of his family a part of the tobacco crop or its proceeds, but such member of the family does not have an independent status on the farm as a share-tenant or sharecropper, then such member of the family is not eligible to vote.

(d) A person acting as administrator, executor, or guardian, or in some similar fiduciary capacity, is eligible to vote for each estate or person for whom he acts in such capacity if such estate or person engaged in the production of the 1943 Burley tobacco crop. In such event the heirs of the estate for whom the administrator or executor acts are not eligible to vote by virtue of being such heirs nor is the person for whom the guardian or other fiduciary acts eligible to vote.

(e) A minor is eligible to vote only if he is the owner-operator of a farm on which Burley tobacco was produced in 1943 or if as a party to a bona-fide lease or operating agreement he has an independent status as operator, share-tenant, or sharecropper and as such is entitled to share in the proceeds of the 1943 Burley tobacco crop in a specified proportion.

B. INSTRUCTIONS TO COUNTY COMMITTEES

The county agricultural conservation committee (hereinafter referred to as the county committee) shall be responsible for the proper holding of the referendum in the county and shall:

1. Have prepared, prior to the date of the referendum, a Register of Eligible Voters and Ballots Cast on Form MQ-651 showing the name and address required on the form for each farmer in the county who was engaged in the production of Burley tobacco in 1943. The registration list shall be prepared by communities using as far as possible the records obtained under the 1943 agricultural conservation program. For those farms producing Burley tobacco in 1943 for which performance has not been reported, the county committee should have the respective community committeeman obtain the following information:

- (a) The name of the farm operator;
- (b) The name of each share-tenant or sharecropper growing Burley tobacco on the farm in 1943;
- (c) The acreage share of each such person in the Burley tobacco grown on the farm;
- (d) The tenure of each such person; and
- (e) The name and location of every other farm on which each such person engaged in the production of Burley tobacco in 1943.

In obtaining the above information, the farm operator may be requested by letter to visit the county office or a designated place in the community within a specified time for the purpose of furnishing the information; or a community committeeman may visit the farm operator and obtain the information.

2. Designate one readily accessible place for balloting in each community and give public notice of the date of the referendum and of the time and place for balloting. Such notice shall be given by posting the notice (Tobacco 808) at one or more places open to the public within each community as soon as possible and not less than five days in advance of the referendum.

3. Make use (without advertising expense) of all available agencies of public information including newspapers and radio, to give Burley tobacco farmers in the county full and accurate public notice of the day and hours of voting, the location of polling places, and the rules governing eligibility to vote. Such notice shall be given as soon as possible after the date of the referendum has been announced.

4. Designate three local farmers residing in each community and producing Burley tobacco in the community in 1943 as the members of the community referendum committee to conduct the referendum on the national marketing quota for Burley tobacco in such community, and name one of the members chairman of the committee. Designate also one such farmer as an alternate to serve on the committee in the event that any of the three regular members cannot serve.

5. In counties with a combined total of less than 100 Burley tobacco farms, the county committee may treat the county as one community for the purpose of the referendum and hold the referendum and per-

form the duties both of county committee and community referendum committee.

6. See that each community referendum committee is provided with a suitable ballot box in which to place the ballots cast in the referendum.

7. See that form MQ-651 has been prepared in accordance with the instructions herein, to show the persons eligible to vote in the referendum in each community.

8. Deliver form MQ-651 and a supply of forms Tobacco 809 and forms Tobacco 810 to the chairman of the community referendum committee.

9. See that all community referendum committees understand their duties as to (a) issuing ballot forms, (b) recording the challenged votes, (c) tabulating ballots, and (d) certifying results of the referendum in the community.

10. Notify the office of the State committee by telephone, telegraph, or in person, as soon as possible after the closing of the polls, as to the preliminary count of the votes on each question in the county.

11. Meet not later than two days after the date of the referendum for the purpose of receiving and summarizing on forms Tobacco 811 the data contained on forms Tobacco 810. Such meeting shall be open to the public.

12. Prepare and certify in quadruplicate forms Tobacco 811 showing the results in the county, forward the original and one copy to the office of the State committee not later than fourteen calendar days after the date of the referendum, keep one copy posted for sixty days in a conspicuous place accessible to the public in or near the office of the county committee, and file one copy permanently in the office of the county committee where it shall be open to public inspection.

13. Make an investigation in each case of controversy or dispute regarding the eligibility of a voter. In each case where a ballot is marked "Challenged" by the community referendum committee, the eligibility of such person shall first be determined. If it is determined that such person is eligible, the ballot shall be placed with the challenged ballot of every other person found to be eligible, and when all the challenged ballots shall have been passed upon by the county committee those ballots found to be valid shall be tabulated in the county summary. If it is determined that such person is not eligible the ballot shall be preserved with other ballots, as provided in paragraph 15 of this section B.

14. Make an immediate investigation in each case of dispute regarding the correctness of the summary of the referendum in a community. No dispute shall be investigated by the county committee unless it is brought to its attention within ten calendar days after the date on which the referendum in question was held. The county committee shall promptly decide the dispute and immediately report its findings to the State committee. All voted ballots, register forms, and community summary sheets involved in the dispute shall be mailed or delivered in person to the office of the State Committee.

15. Seal the voted ballots, challenged ballots found ineligible, register sheets, and community summary sheets for the county in one or more envelopes or packages (marked "Burley Tobacco Referendum 1944," followed by the name of the county) and place them under lock and key in a safe place under the custody of the secretary of the county agricultural conservation association for a period of sixty

calendar days from the date of the referendum. If no notice to the contrary is received by the end of such time, the ballots shall be destroyed and the register and community summary sheets permanently filed in the office of the county committee where they shall be open to public inspection.

C. INSTRUCTIONS TO COMMUNITY REFERENDUM COMMITTEES

Each community referendum committee designated by the county committee shall:

1. Arrange, with the assistance of the county committee, for conducting the referendum.

2. Assist the county committee in giving public notice of the time and place for casting ballots in advance of the date on which the referendum will be held.

3. Provide a place where each voter can prepare and cast a ballot in secret and without interference.

4. Provide ballot boxes. Any container so arranged that ballots cannot be seen and cannot be removed without breaking seals on the container will be suitable. If strip adhesive paper or similar seals are used, such seals shall be signed or initialed so that breaking or replacing the seal will affect or destroy the identifying marks and show that the seal has been tampered with.

5. Open the polls not earlier than 7: o'clock and not later than 9:00 o'clock a. m., local war time, on the date fixed for the referendum.

6. Hold the referendum in a fair and unbiased manner.

7. Initial the ballot and place an X in the column headed "Ballot Cast" on form MQ-651 opposite the name of the voter prior to issuance of the ballot to the voter. If the eligibility of the voter is challenged, make entries on the ballot form and on form MQ-651 as required in paragraph 9 prior to issuance of the ballot to the voter.

8. Instruct each voter, as he is handed a ballot form, to *mark only one question* on his ballot so as to show which way he votes, and then to fold the ballot and place it in the ballot box.

9. Issue a ballot to each person who claims to be eligible to vote and requests a ballot, even though his eligibility is challenged by the committee. The committee shall challenge the eligibility of any person to vote:

- (a) If his name was not recorded on the register of eligible voters (MQ-651) prior to the date of the referendum;
- (b) If he was not engaged in production of Burley tobacco in 1943 in the community where the community referendum committee has jurisdiction over the polls, or if there is some indication beside his name that he should vote in another community; or
- (c) If the committee is not certain that he has a bona fide status as a farmer engaged in the production of Burley Tobacco in 1943.

In every case where the eligibility of any person to vote is challenged, the community referendum committee shall, prior to the issuance of the ballot to such person, write across the back of the ballot in large letters the words "Challenged" and underneath such word the following:

- (a) The name of such person;
- (b) The name or number or letter of the community in which such person claims to have produced Burley tobacco in 1943;

- (c) The name of the operator of the farm on which such person claims to have produced Burley tobacco in 1943; and
- (d) A concise statement of the reason for challenging the eligibility of such person to vote.

The committee shall provide each farmer whose ballot is challenged as provided above an envelope in which the farmer may seal the ballot before placing it in the ballot box.

10. For each farmer to whom a ballot form is issued but who is not already listed on form MQ-651 prior to the time the ballot is issued to him, record on form MQ-651 the name and address of such farmer and enter the letter "C" in the column headed "Ballot Cast."

11. Close the polls and discontinue acceptance of ballots at 5:00 o'clock P. M., local war time, on the date of the referendum, or such later hour as is fixed by the State committee.

12. Immediately after closing the polls, open the ballot box and canvass the ballots cast, which canvass shall be kept open to the public.

13. Tabulate and record the results of the referendum on Tobacco 810. The number of challenged ballots cast shall be entered in the space provided, and will not be shown as being either for or against the marketing quotas. A ballot shall be considered as a spoiled ballot if it is mutilated or marked in such a way that a determination cannot be made as to the particular question for which the ballot should be counted. The number of spoiled ballots shall be entered in the space provided on Tobacco 810 and such ballots placed in an envelope marked "spoiled ballots" followed by the name of the community.

14. Determine the total number of ballots issued as shown by the X's and C's entered on form MQ-651. The total number of ballots cast (including challenged, spoiled and invalid ballots) shall also be determined. If any ballot was cast which was not initialed by a committeeman, such ballot shall be marked "invalid" and included among the spoiled ballots as provided in paragraph 13 above.

15. Certify to the accuracy of the executed form Tobacco 810 by signing in the spaces provided.

16. Notify the county committee by telephone, or in person, as soon as possible after the closing of the polls as to the preliminary count of the votes on each question in the community.

17. Seal the voted ballots (including those challenged), the spoiled ballots, the register sheets, and the community summary sheets in one or more envelopes appropriately identified by the designation of the community and deliver them to the office of the county committee not later than two calendar days after the date of the referendum, with the unused ballots and other forms. The chairman of the community referendum committee shall be responsible for the safe delivery of such reports, ballots, and forms to the office of the county committee.

18. Post a copy of Tobacco 810 as soon as it is executed, at a conspicuous place at the polling place, so that it remains posted and accessible to the public for at least three calendar days after the date of the holding of the referendum.

D. INSTRUCTIONS TO STATE COMMITTEES

The State committee of the Agricultural Adjustment Agency shall be in charge of and responsible for conducting the referendum in the State and shall—

1. Notify the applicable regional director by telephone or telegraph as to the preliminary count in the referendum in the State of votes for and votes against marketing quotas.

2. Summarize on Tobacco 812 the information contained on Tobacco 811 and mail two fully executed form Tobacco 812 to the applicable Regional Director not later than 20 calendar days after the date of the referendum. Forms Tobacco 812 should be signed by three members of the State committee or by the administrative officer in charge of the state office. If one sheet proves insufficient to list the information with respect to all counties, additional sheets properly numbered and identified and securely attached to the first sheet may be used for continuation, in which case totals and signatures should be entered only on the last sheet. One fully executed copy of Tobacco 811 and Tobacco 812 shall be permanently filed in the office of the State committee, where it shall be open to public inspection.

3. Complete the investigation of any report from any county regarding controversies, irregularities, or disputes over the correctness of summaries of the referendum not later than 15 calendar days after the date of the referendum, and promptly forward its findings in such cases to the applicable regional director.

E. RESULT OF REFERENDUM

Final and official tabulation of the votes cast in the referendum will be made by the Agricultural Adjustment Agency and the results of the referendum announced by the War Food Administrator. The reports on Tobacco 812 and related papers shall be permanently filed with such tabulation and shall remain available for public inspection.

Each county committee is authorized to release to the press and to other inquirers unofficial reports of the total votes on each question in the referendum in the county.

The State Committee is authorized to release to the press and to other inquirers the unofficial results of the referendum for the respective State by counties as rapidly as the votes in the various counties are tabulated.

If the Chief of the Agricultural Adjustment Agency or the War Food Administrator deems it necessary, the report of any community referendum committee, county committee, or State committee shall be reexamined and checked by such persons or agencies as may be designated.

